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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,740	09/22/2003	Bret A. Bailey	BOC9-2003-0028 (397)	1890
40987	7590	05/03/2010		
Novak Druce + Quigg LLP CityPlace Tower, 525 Okeechobee Blvd. Fifteenth-Floor WEST PALM BEACH, FL 33401			EXAMINER TRAN, TUYETLIEN T	
			ART UNIT 2179	PAPER NUMBER
			MAIL DATE 05/03/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/667,740	Applicant(s) BAILEY ET AL.	
	Examiner TUYETLIEN T. TRAN	Art Unit 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-8 and 28-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-8, 28-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2179

DETAILED ACTION

1. This action is responsive to the following communication: Amendment filed 01/10/10.

This action is made final.

2. Claims 1, 2, 4-8, 28-35 are pending in the case. Claims 1, 28 and 35 are independent claims.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 2, 4-8, 28-35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 28 and 35 contain the trademark/trade name **zSeries**. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe *computer*; accordingly, the identification/description is indefinite.

Claims 2, 4-8, 29-34 being rejected as incorporating the deficiencies of a claim upon which it depends.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. **Claims 1, 4-8, 28, 30-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paxhia et. al. (Pub No. 2002/0052935 A1, hereinafter Paxhia) in view of Powers et al. ("IBM Server iSeries System Handbook", published 09-2002, relevant pages 1-59; hereinafter Powers).**

As to claim 1, Paxhia teaches:

A method for configuring Transmission Control Protocol/Internet Protocol (TCP/IP) settings (e.g., see Fig. 3 and [0003], [0041], [0043]; using GUI web browser in the admin server to configure internet settings of another servers), the method comprising the steps of:

Art Unit: 2179

providing a zSeries computer having only a non-graphical user interface for manually manipulating TCP/IP configuration flat files (e.g., see Fig. 3 and [0005]; using GUI web browser in one server 362 to configure internet setting on another AS/400 server 371; the internet configuration of AS/400 server 371 is known to be performed through a non-graphical user interface as shown in [0005]);

providing a graphical user interface for configuring the TCP/IP settings, the graphical user interface including at least one control (e.g., see Figs. 3, 12, 13 and [0041], [0042], [0048], [0065]; web-based GUI is provided in server 362 to configure internet settings on other servers 371);

accessing data contained within at least one configuration flat file containing the TCP/IP settings for said computer (e.g., read current settings from the configuration file, see [0042], [0051]; note that current settings also includes TCP/IP settings as shown in Figs. 12, 13);

displaying the TCP/IP settings based upon said accessed data within said graphical user interface (e.g., build configuration pages filled in with the settings from the configuration file, see [0051] and Figs. 11-13); and

altering one or more of said displayed TCP/IP settings using said at least one control in the graphical user interface (e.g., read the values contained in the configuration pages and write those values out to the configuration file, see [0051] and Fig. 11, Fig. 12);

updating the at least one configuration flat file according to the altered TCP/IP settings (e.g., see Fig. 2 and [0041], [0042], [0051]; the GUI is used to modify configuration file 314 or instance file 318);

While Paxhia teaches using the web-based GUI to configure internet settings for iSeries servers, Paxhia does not teach integrating the graphical user interface into the non-graphical user interface.

Art Unit: 2179

In the same field of internet configuration on iSeries, Powers teaches an iSeries computer having OS/400 operating system having integrated features such as Advanced GUI used for set up TCP/IP function (e.g., see pages 473-474 - 'Base OS/400'). Powers teaches integrating the graphical user interface into a non-graphical user interface (e.g., see pages 597-598; TCP/IP networking on iSeries is administered and managed directly from iSeries Navigator running on a PC client; iSeries TCP/IP configuration can be managed through graphical user interfaces integrated with iSeries Navigator).

Accordingly, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have modify the network configuration system of Paxhia to include the feature of integrating the graphical user interface into a non-graphical user interface to achieve the claimed invention. As suggested by Powers, one would be motivated to make such a combination is to provide an easy-to-use graphical interface to configure TCP/IP settings on an iSeries computer (e.g., see page 496; pages 1-6).

As to claim 28, claim 28 reflects a computer-readable storage having stored thereon, a computer program having a plurality of code sections, said code sections executed by a computer for causing the computer to perform the steps as claimed in claim 1 (e.g., see [0018], [0065], and page 25 lines 7-11), and therefor is rejected along the same rationale.

As to claim 35, claim 35 reflects a system for implementing the steps as claimed in claim 1 (e.g., see [0018], [0065], and page 25 lines 7-11), and therefor is rejected along the same rationale.

As to claims 4 and 30, Powers teaches integrating said graphical user interface with an interface component of an operating system of a computer (e.g., see pages 473-474 - 'Base

Art Unit: 2179

OS/400'). Thus, combining Powers and Paxhia would meet the claimed limitations for the same reasons as set forth in the foregoing rejection of claim 1.

As to claims 5 and 31, Paxhia further teaches displaying help relating to configuring TCP/IP communication settings of said computer within said graphic user interface (e.g., see [0047], [0048], Figs. 11-13).

As to claims 6 and 32, Paxhia further teaches:

providing a selection list within said graphical user interface, said selection list including a multitude of user-selectable settings for at least one configuration parameter of said configuration flat file (e.g., see [0051] and Fig. 11); and

updating said configuration parameter responsive to a selection within said selection list (e.g., read the values contained in the configuration pages and write those values out to the configuration file, see [0051] and Fig. 13).

As to claims 7 and 33, Paxhia further teaches synchronizing multiple ones of said at least one configuration file using said graphical user interface (e.g., read current settings from the configuration file and build configuration pages filled in with those settings, see [0051] and Fig. 11).

As to claims 8 and 34, Paxhia further teaches checking a validity of at least one parameter stored within said configuration flat file using said graphical user interface (e.g., see [0050]).

7. Claims 2 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paxhia in view of Powers further in view of Spiegel et al. (Pub No US 20030055863 A1, hereinafter Spiegel).

As to claims 2 and 29, Paxhia and Powers teach the limitations of claims 1 and 28 for the same reasons as set forth in the foregoing rejection of claims 1 and 28. Powers teaches that the graphical user interface is configured for OS/400 operating system wherein the OS/400 is a 64-bit operating system (e.g., see page. 473; 'Base OS/400'); therefore, it appears that Paxhia and Powers in combination teaches the graphical user interface is configured for at least one of a 32-bit multiple virtual storage operating system and a 64-bit multiple virtual storage operating system. Even if they do not, this deficiency is disclosed by Spiegel wherein Spiegel teaches a method and apparatus for managing a resource in an information handling system particularly for a computer having a z/architecture in which a user interface is provided for an operator to configure and manage the resource in the computer (e.g., see [0009], [0012], and [0030], [0031]). Spiegel teaches the graphical user interface is configured for at least one of a 32-bit multiple virtual storage operating system and a 64-bit multiple virtual storage operating system (e.g., see [0031]).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the internet connection configuration graphical user interface as taught by Paxhia and Powers to the configuration graphical user interface that can be applied to a zSeries server as taught by Speigel to achieve the capability to graphically configure internet connection on a computer having only a non-graphical user interface for manually manipulating TCP/IP configuration files. The motivation to combine the teachings of Paxhia, Powers and Speigel is to allow easy manipulation of parameters such as IP address, network address, as well as name server and because Paxhia suggests to the skilled artisan that a graphical user interface presents to a user a much more user-friendly interface than non-graphical user interface (e.g., see Paxhia [0005]).

Response to Arguments

8. Applicant's arguments filed 1/11/10 have been fully considered but are moot not persuasive.

- ♦ The applicant argues that the prior art of Paxhia does not concern providing a graphical user interface for a zSeries computers that only have a non-graphical user interface integrating the GUI into the non-graphical user interface, in order to facilitate configuring the TCP/IP settings for the computers (e.g., see remark page 8, 9).

In response, the examiner directs the applicant to the fact that zSeries is a trademark or trade name and cannot be used to identify or describe a particular material or product. As seen from the foregoing rejection of claim 1, the prior art of Paxhia teaches a method of configuring TCP/IP for a computer having only a non-graphical user interface for configuring TCT/IP settings (e.g., see [0005]; wherein the AS/400 or iSeries server 371 is known to be a computer having only a non-graphical user interface for configuring TCT/IP). The examiner then admits that while Paxhia teaches using the web-based GUI to configure internet settings for iSeries servers, Paxhia does not teach integrating the graphical user interface into the non-graphical user interface. However, this deficiency is taught by Powers, wherein Powers teaches an iSeries computer having OS/400 operating system having integrated features such as Advanced GUI used for set up TCP/IP function (e.g., see pages 473-474 - 'Base OS/400'). Powers teaches integrating the graphical user interface into a non-graphical user interface (e.g., see pages 597-598; TCP/IP networking on iSeries is administered and managed directly from iSeries Navigator running on a PC client; iSeries TCP/IP configuration can be managed through graphical user interfaces integrated with iSeries Navigator). Therefore, combining Powers and Paxhia would meet the claim limitations for the same reasons as set forth above.

Art Unit: 2179

- ◆ Applicant further remarks that the iSeries Navigation in Powers is already a GUI, therefore, the iSeries computers are not a computer having only a non-graphical user interface for manually manipulating TCP/IP configuration flat files (e.g., see remark page 9).

In response, the examiner notes Powers reference is not relied upon for teaching the limitation of a computer having only a non-graphical user interface for manually manipulating TCP/IP configuration flat files. As addressed in the foregoing rejection of claim 1, iSeries computers are known to be computers having only a non-graphical user interface for configuring TCT/IP settings (e.g., see Paxhia [0005]). The iSeries Navigator is an intergraded graphical user interface of the non-graphical user interface iSeries computer of Paxhia before the Navigator is integrated so that TCP/IP configuration can be managed directly from the iSeries Navigator (e.g., see Powers pages 597-598)

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 2179

It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TuyetLien (Lien) T. Tran whose telephone number is 571-270-1033. The examiner can normally be reached on Mon-Friday: 7:30 - 5:00 (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/TuyetLien T Tran/
Examiner, Art Unit 2179

/Weilun Lo/
Supervisory Patent Examiner, Art Unit 2179